

03-19-01

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PRESS MAIL NO.: EL403505193US
 ATTORNEY DOCKET NO. 14028.0284U2
 SERIAL NO. Unassigned
 PAGE 1 OF 3 (03/16/01)

CONTINUING APPLICATION TRANSMITTAL FORM
 (37 C.F.R. § 1.53(b))

ANTICIPATED CLASSIFICATION OF THIS
 APPLICATION:

PRIOR APPLICATION: 09/064,413

CLASS: 424

SUBCLASS:

EXAMINER: Vander Vegt, F.

ART UNIT: 1644

To the Assistant Commissioner for Patents:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/064,413 filed on April 22, 1998, of David M. Neville, Judith M. Thomas, and Francis T. Thomas for "USE OF IMMUNOTOXINS TO INDUCE IMMUNE TOLERANCE TO PANCREATIC ISLET TRANSPLANTATION."

If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.

1. Enclosed is a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a).

2. The inventor(s) of the invention being claimed in this application is(are): David M. Neville, Judith M. Thomas, and Francis T. Thomas

3A. ☒ This application is a continuation or divisional application (not a continuation-in-part) that:

- (i) names as inventors the same or fewer than all of the inventors named in the prior application; and
- (ii) contains no matter that would have been new matter in the prior application; and
- (iii) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed:

☒ is enclosed.
☐ will follow.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following persons who are not inventors of the invention being claimed in this application:

--OR--

3B. ☐ This application is a continuation-in-part application, or a continuation or divisional application naming an inventor not named in the prior application. A newly executed oath or declaration:

☐ is enclosed.
☐ will follow.

4. ☐ Amend the Title of the Invention as follows:

5. ☒ Amend the specification by inserting before the first line the sentence:

This application is a continuation of, and claims the benefit of, application Serial No. 09/064,413, filed April 22, 1998 which status is pending, which application is hereby incorporated herein in its entirety by reference.

6. ☐ Priority of foreign application number, filed on in is claimed under 35 U.S.C. § 119.

☐ The certified copy has been filed in prior application Serial No., filed on .

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7. ☒ Cancel in this application original claims 9 and 11 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

8. ☒ A preliminary amendment is enclosed.

9. ☐ New formal drawings are enclosed.

10. ☒ Also enclosed is/are: copy of Request for Extension of Time in parent application, serial No. 09/064,413; revised Sequence Listing; and Sequence Listing diskette.

11. ☒ The prior application is assigned of record to: The Government of the United States of America, as represented by the Secretary, Department of Health and Human Services, c/o National Institutes of Health; University of Alabama Research Foundation

12. ☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

13. The filing fee is calculated as follows:

TOTAL CLAIMS	11 - 20 =	0	x \$18.00	\$0.00
INDEPENDENT CLAIMS	2 - 3 =	0	x \$80.00	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =			+ \$270.00	\$
BASIC FEE =				\$710.00
TOTAL OF ABOVE CALCULATIONS =				\$710.00
REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. § 1.9, § 1.27, § 1.28)				\$
TOTAL NATIONAL FEE =				\$710.00

14. ☒ A check in the amount of \$710.00 is enclosed.

15. ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account No. 14-0629.

16. ☒ The Power of Attorney in the prior application is to:

- a. ☒ The Power of Attorney appears in the original papers in the prior application.
- b. ☐ Since the Power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Tina Williams McKeon, Esq.
 NEEDLE & ROSENBERG, P.C.
 Suite 1200, The Candler Building
 127 Peachtree Street, N.E.
 Atlanta, GA 30303-1811

17.

I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Tina Williams McKeon
REG. NO. 43,791


SIGNATURE

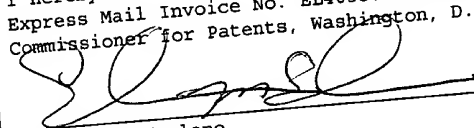
March 16, 2001
DATE

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record
☐ Filed under 37 C.F.R. § 1.34(a)
(Registration No. is acting under 37 C.F.R. § 1.34(a):

EXPRESS MAIL NO. EL403505193US

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL403505193US in an envelope addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown below.


Everardo McFarlane

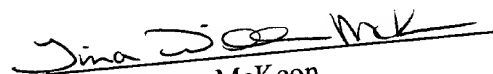
3-16-01
DATE

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PATENT

The Commissioner is also authorized to charge all required extension of time fees under 37 C.F.R. § 1.17 to Deposit Account No. 14-0629.

Respectfully submitted,

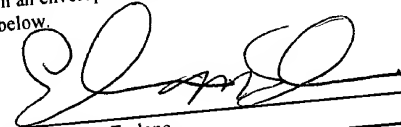
NEEDLE & ROSENBERG, P.C.


Tina Williams McKeon
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CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

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Everardo McFarlane

5-16-01

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Neville et al.)

Serial No. Unassigned)

Filed: Concurrently)

For: USE OF IMMUNOTOXINS TO INDUCE)
IMMUNE TOLERANCE TO)
PANCREATIC ISLET)
TRANSPLANTATION)

Group Art Unit: Unassigned

Examiner: Unassigned

1011 U.S. PTO
09/810999
03/16/01

AUTHORIZATION TO TREAT REPLY REQUIRING EXTENSION OF TIME
AS INCORPORATING PETITION FOR EXTENSION OF TIME
AND PAYMENT OF EXTENSION OF TIME FEE

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

March 16, 2001

Sir:

Pursuant to 37 C.F.R. § 1.136(a)(3), the Commissioner is hereby requested and authorized to treat any concurrent or future reply in the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.